

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

21-cr-10104 (PBS)

VLADISLAV KLYUSHIN,
a/k/a "Vladislav Kliushin,"

Defendant

MOTION TO ADMIT EXHIBITS 269 A AND B

The government respectfully moves to introduce Exhibit 269A and B—charts analyzing the precipitous decline in the profitability of the defendant's post-September 2020 trading—based on data the defense itself produced to the government, marked as an exhibit, and described to the jury in its opening statement.

The defense opened by telling the jury that, although "[i]ntrusions ended in September of 2020," the defendant "continued to trade through May of 2021 until his arrest." 1/3/20 Trial Tr. at 79. Counsel continued: "The hacks ended and he continued trading in much of the same companies. . . . Why would you continue trading after access to that information ended? You wouldn't." *Id.* at 81. The defense also produced to the government a spreadsheet, marked as Exhibit 309 and labeled "Transactions Post September 2020," reflecting trading of the defendant, Rumiantcev, and their investors after September 2020.

The government's expert promptly analyzed the post-September data produced by the defense and created two charts analyzing it. The charts reflect that the defendant and the other traders all but stopped trading earnings after September 2020, and the profitability of their trades plummeted. Before September, earnings trading represented 78 percent of their total trading. After

2/16/23

Allowed in part

at trial.

Paul B. Sims

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